

Hernan O. Castro  
111 Taylor Street  
San Francisco, CA 94102

In Pro Se

FILED

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RICHARD H. WIEKING  
CLERK, U.S. DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF CALIFORNIA  
SAN FRANCISCO DIVISION

Case No.  
C 07 5775 PJH (PR)

HERNAN O'RYAN CASTRO,

Petitioner,

v.

ROBERT E. McFADDEN,  
Western Regional Director,  
Federal Bureau of Prisons,

Respondent.

PETITIONER'S EXHIBITS  
F and G

Federal Bureau of Prisons

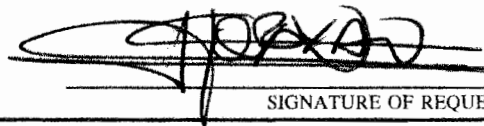
Type or use ball-point pen. If attachments are needed, submit four copies. One copy each of the completed BP-DIR-9 and BP-DIR-10, including any attachments must be submitted with this appeal.

From: CASTRO, HERNAN O. 73026-011 — RRC-SF-CA  
 LAST NAME, FIRST, MIDDLE INITIAL REG. NO. UNIT INSTITUTION

## Part A—REASON FOR APPEAL

I am appealing the Warden's denial and Regional Director's affirmance of my request to be exempted from making subsistence payments while serving the last 180 days of my sentence in a RRC. Pursuant to 18 U.S.C. § 4001, Note, ¶4, a prisoner "with respect to whom a fine was imposed or waived" is exempted from making payments towards the costs of his incarceration. This section applies to me as a fine was expressly waived by the sentencing court. Section 3622(c)(2) of Title 18 U.S.C., requires such payments for those in community work programs. Part 505 of Title 28, C.F.R., expresses the Bureau's interpretation and application of section 3622(c)(2). Subsection 505.3 exempts from costs related to incarceration those prisoners who began serving their sentences prior to January 1, 1995. I began serving my concurrent sentences prior to that date, thus I am also exempt under section 505.3 and 3622(c)(2). Congress has enacted no other statute authorizing the Bureau to collect costs related to a prisoner's incarceration, thus, I should be exempted from such payments. I request that I be exempted from making payments to the RRC contractor for costs related to my incarceration, that the contractor be so informed, and that a refund of any payments already made be authorized and executed.

01/04/08  
 DATE

  
 SIGNATURE OF REQUESTER

## Part B—RESPONSE

RECEIVED

JAN 11 2008

Administrative Remedy Section  
 Federal Bureau of Prisons

DATE

GENERAL COUNSEL

ORIGINAL: RETURN TO INMATE

CASE NUMBER: 468919-A2

## Part C—RECEIPT

CASE NUMBER: Exh F

Return to: — — Exh F  
 LAST NAME, FIRST, MIDDLE INITIAL REG. NO. UNIT INSTITUTION

SUBJECT: —

DATE

SIGNATURE OF RECIPIENT OF CENTRAL OFFICE APPEAL

**Administrative Remedy Number 468919-A2**

**Part B - Response**

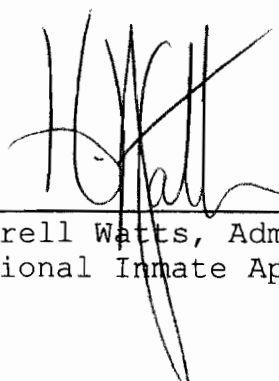

You request to be exempted from making subsistence payments while housed in a Residential Reentry Center (RRC).

Our review of this matter reveals both the Warden and Regional Director have adequately addressed your concerns. Program Statement 7310.04, Community Corrections Center (CCC) Utilization and Transfer Procedure, provides "During their stay, inmates are required to pay a subsistence charge to help defray the cost of their confinement; this charge is 25% of their gross income, not to exceed the average daily cost of their CCC placements." This is not a "cost of incarceration fee" as expressed in Program Statement 5380.06.

You are required to make subsistence payments while housed in an RRC. However, the amount of such payments may be adjusted by RRC staff depending upon your available resources.

Your appeal is denied.

March 4, 2008  
Date

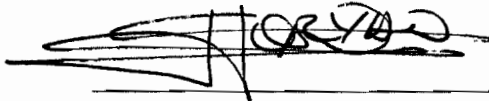
  
\_\_\_\_\_  
Harrell Watts, Administrator  
National Inmate Appeals 

Exh G

CERTIFICATE OF SERVICE

I, the undersigned, hereby certify that I have mailed a copy of the Petitioner's Exhibits F and G to Mr. Dennis M. Wong, Esq., Special Assistant U. S. Attorney, U.S. Attorney's Office, 450 Golden Gate Avenue, Box 36055, San Francisco, CA 94102-3495.

Mailed and executed this 20th day of March of 2008.

A handwritten signature in black ink, appearing to read "Hernan O'Ryan Castro", written over a horizontal line.

Hernan O'Ryan Castro